

Exhibit 1



200 West Adams Street, Suite 2850
Chicago, Illinois 60606
Phone: 312-236-8500
Fax: 312-236-8176
www.cookalex.com
firm@cookalex.com

Jason Smalley
jsmalley@cookalex.com

April 4, 2008

VIA Hand Delivery

Geoffrey A. Baker
DOWELL BAKER, P.C.
201 Main Street, Suite 710
Lafayette, IN 47901

Re: Miyano Machinery USA Inc. v. MiyanoHitec Machinery Inc. et al.

Production of Documents

Our Reference No.: 2506-0002

Dear Mr. Baker:

Enclosed please find additional documents, in response to your request. The responsive documents are group in file folders by category on the CD we are providing. We are endeavoring to provide you with documents to the extent that we understand your requests. The following documents are at least responsive to the numbered requests of your Rule 45 subpoena, emailed February 18, 2008:

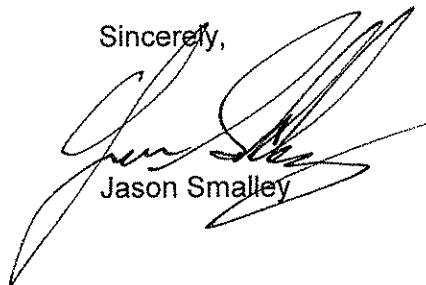
- ❖ Documents numbered MMU0017431 to MMU017453 are at least responsive to Request #12.
- ❖ Documents numbered MMU0017454 to MMU0017484 are at least responsive to Request #13
- ❖ Documents numbered MMU0017485 to MMU0017492 are at least responsive to Request #16.
- ❖ Document numbered MMU0017493 is at least responsive to Request #18.
- ❖ Documents numbered MMU0017494 to MMU0017622 are at least responsive to Request #4.
- ❖ Documents numbered MMU0017623 to MMU0017743 are at least responsive to Request #10.
- ❖ Documents numbered MMU0017744 to MMU0017811 are at least responsive to Request #12.
- ❖ Documents numbered MMU0017812 to MMU0018185 are at least responsive to Request #13.
- ❖ Documents numbered MMU0018186 to MMU0018193 are at least responsive to Request #16.
- ❖ Documents numbered MMU0018186 to MMU0018193 are at least responsive to Request #16.

Page 2 of 2

- ❖ Documents numbered MMU0018194 to MMU00181201 are at least responsive to Request #16.
- ❖ Documents numbered MMU0018202 to MMU0018375 are at least responsive to Request #10 and are marked Attorneys' Eyes Only.

If you have any further comments or questions, please do not hesitate to contact us.

Sincerely,



Jason Smalley

cc:

Robert Karton
Vernon W. Francissen

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

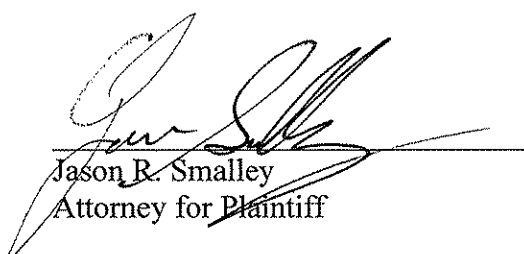
Miyano Machinery USA Inc.,)	
)	
Plaintiff,)	
)	Civil Action No. 08 C 526
v.)	
)	Hon. Virginia Kendall
MiyanoHitec Machinery, Inc.,)	
Thomas ("Tom") Miyano, a/k/a)	Magistrate Judge Nolan
Toshiharu Miyano and)	
Steven Miyano, a/k/a Shigemori)	
Miyano,)	
)	JURY TRIAL DEMANDED
Defendants.)	

NOTICE OF PRODUCTION

The following documents are being produced on this day by Plaintiff's counsel to Defendants' counsel.

❖ Documents numbered MMU0017431 to MMU0018375

Dated: April 4, 2008



Jason R. Smalley
Attorney for Plaintiff

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, IL 60606
Phone: (312) 236-8500
Fax: (312) 236-8176
jsmalley@cookalex.com

Exhibit 2

Jason Smalley

From: Jason Smalley [jsmalley@cookalex.com]
Sent: Friday, May 09, 2008 12:02 AM
To: 'emanzo@cookalex.com'; 'gabaker@dowellbaker.com'
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.
Attachments: Ltr_05-08-2008.pdf

Dear All:

Please see the attached letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley

Attorney at Law

jsmalley@cookalex.com



Cook Alex
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
312.236.8500 (Main)
312.236.8176 (Fax)
www.cookalex.com

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Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.



200 West Adams Street, Suite 2850
Chicago, Illinois 60606
Phone: 312-236-8500
Fax: 312-236-8176
www.cookalex.com
firm@cookalex.com

Jason Smalley
jsmalley@cookalex.com

May 8, 2008

VIA Email and FedEx

Geoffrey A. Baker
DOWELL BAKER, P.C.
201 Main Street, Suite 710
Lafayette, IN 47901

Re: Miyano Machinery USA Inc. v. MiyanoHitec Machinery Inc. et al.
Request to Return Privileged Documents under Rule 26(b)(5)(B)
Our Reference No.: 2506-0002

Dear Mr. Baker:

It has just come to our attention that Miyano Machinery USA has inadvertently produced documents covered by the attorney-client privilege and work-product doctrine. These documents include MMU0017647-17649 and MMU0018188-93. Under the provisional agreement reached during the deposition of Mr. Ichikawa, we designate as privileged page 23, lines 1-24 and page 24, line 8 through page 27, line 24. Under Federal Rule of Civil Procedure 26(b)(5)(B) and the proposed Protective Order agreed to by the parties, this is not a waiver of privilege, nor do we intend it to be. We request that you promptly return the CD on which the above-identified documents were produced, destroy any copies of the documents (physical and electronic) and do not further disclose or rely upon these documents or the information contained therein. Upon return of the CD we will immediately provide you a replacement. We will list these documents in our privilege log.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Smalley".

Jason Smalley

cc: Robert Karton
Vernon Francissen

Exhibit 3

Jason Smalley

From: Geoff Baker [gabaker@dowellbaker.com]
Sent: Friday, May 09, 2008 7:30 AM
To: 'Jason Smalley'; emanzo@cookalex.com
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: RE: Miyano Machinery USA Inc. v. MiyanoHitec et al.

Jason,

We will take your request under advisement.

Geoff

Geoffrey A. Baker
DOWELL BAKER, P.C.
229 Randolph Street
Oak Park, IL 60302
Phone: 708-660-1413
Fax: 312-873-4466
Mobile: 708-707-8778
www.dowellbaker.com

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From: Jason Smalley [mailto:jsmalley@cookalex.com]
Sent: Friday, May 09, 2008 12:02 AM
To: emanzo@cookalex.com; gabaker@dowellbaker.com
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.


Dear All:

Please see the attached letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley
Attorney at Law
jsmalley@cookalex.com

 Cook Alex	200 West Adams Street Suite 2850 Chicago, Illinois 60606 312.236.8500 (Main) 312.236.8176 (Fax) www.cookalex.com
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Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

Exhibit 4

Jason Smalley


From: Jason Smalley [jsmalley@cookalex.com]
Sent: Tuesday, May 13, 2008 12:09 PM
To: 'emanzo@cookalex.com'; 'gabaker@dowellbaker.com'
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.
Attachments: Follow-up_Ltr._05-13-2008.pdf

Dear All:

Please see our attached follow-up letter.
 If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley
 Attorney at Law
jsmalley@cookalex.com

 Cook Alex	200 West Adams Street Suite 2850 Chicago, Illinois 60606 312.236.8500 (Main) 312.236.8176 (Fax) www.cookalex.com
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From: Jason Smalley [mailto:jsmalley@cookalex.com]
Sent: Friday, May 09, 2008 12:02 AM
To: 'emanzo@cookalex.com'; 'gabaker@dowellbaker.com'
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.

Dear All:

Please see the attached letter.
 If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley
 Attorney at Law
jsmalley@cookalex.com

 Cook Alex	200 West Adams Street Suite 2850 Chicago, Illinois 60606 312.236.8500 (Main) 312.236.8176 (Fax) www.cookalex.com
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www.cookalex.com
firm@cookalex.com

Jason Smalley
jsmalley@cookalex.com

May 13, 2008

VIA Email

Geoffrey A. Baker, Esq.
DOWELL BAKER, P.C.
201 Main Street, Suite 710
Lafayette, IN 47901

Re: Miyano Machinery USA Inc. v. MiyanoHitec Machinery Inc. et al.
Request to Return Privileged Documents under Rule 26(b)(5)(B)
Our Reference No.: 2506-0002

Dear Mr. Baker:

We are following-up our letter dated May 8, 2008. In that letter we notified you of information subject to a claim of privilege. Under Federal Rule of Civil Procedure 26(b)(5)(B) and the proposed Protective Order agreed to by the parties, after being notified, the party must promptly return and/or destroy the information identified. We requested that you promptly return the CD on which the documents identified in our May 8, 2008 letter were produced, destroy any copies of these documents (physical and electronic) and do not further disclose or rely upon these documents or the information contained therein.

Please immediately indicate that you are complying with Rule 26(b)(5)(B) and the terms of the proposed protective order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Smalley".

Jason Smalley

JRS:ca

cc: Robert Karton, Esq.
Vernon Francissen, Esq.

Exhibit 5

Jason Smalley

From: Geoff Baker [gabaker@dowellbaker.com]
Sent: Tuesday, May 13, 2008 10:40 PM
To: 'Jason Smalley'; emanzo@cookalex.com
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: RE: Miyano Machinery USA Inc. v. MiyanoHitec et al.

Jason,

We continue to take your request under advisement.

Geoff

Geoffrey A. Baker
DOWELL BAKER, P.C.
229 Randolph Street
Oak Park, IL 60302
Phone: 708-660-1413
Fax: 312-873-4466
Mobile: 708-707-8778
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From: Jason Smalley [mailto:jsmalley@cookalex.com]
Sent: Tuesday, May 13, 2008 12:09 PM
To: emanzo@cookalex.com; gabaker@dowellbaker.com
Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.

Dear All:

Please see our attached follow-up letter.
If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley
Attorney at Law
jsmalley@cookalex.com

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Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

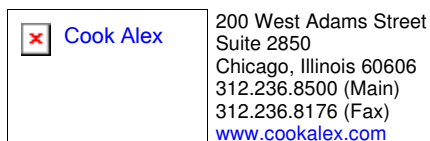
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Cc: 'Joel Bock'; 'Steven Katz'; 'George Kobayashi'; 'Nancy Sasamoto'; 'Bob Karton'; 'Vernon Francissen'
Subject: Miyano Machinery USA Inc. v. MiyanoHitec et al.

Dear All:

Please see the attached letter.
If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason R. Smalley
Attorney at Law
jsmalley@cookalex.com



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Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

Exhibit 6

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Miyano Machinery USA Inc.,

Plaintiff,

v.

MiyanoHitec Machinery, Inc.,
Thomas ("Tom") Miyano, a/k/a
Toshiharu Miyano and Steven Miyano,
a/k/a Shigemori Miyano,

Defendants

Civil Action No. **08 C 526**

Hon. Virginia Kendall

Magistrate Judge Nolan

JURY TRIAL DEMANDED

MiyanoHitec Machinery, Inc.,
Thomas ("Tom") Miyano, a/k/a
Toshiharu Miyano and Steven Miyano,
a/k/a Shigemori Miyano,

Counterclaim-Plaintiffs

v.

Miyano Machinery USA Inc. and

Counterclaim-Defendants

Miyano Machinery Inc.,

Third-Party Defendants

DECLARATION OF ATTORNEY JASON SMALLEY

Jason Smalley deposes and states:

1. I am a member of the bar of the State of Illinois and of this Honorable Court. I am employed as an attorney at Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. ("Cook Alex") in Chicago, Illinois. I am an attorney of record in the above-captioned case.

2. I review the documents and things prior to those items being produced in response to the Defendants' discovery requests.

3. Typically, documents received from Miyano Machinery USA Inc. are received in boxes, stacks or files. Upon receiving the documents, which included the Privileged Document at issue, I reviewed, separated, and organized the documents. During this process, documents which are privileged, including those that are attorney-client or work-product privileged, were segregated from other documents so that they to be later included on a privilege log. These privileged documents are stored separately from the other documents.

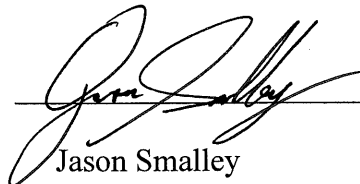
4. After the documents were sorted and the privileged documents that were found were removed, the documents were electronically scanned and then bates numbered. I believe that since at least March 12, 2008, we have been producing all documents associated with this case, in electronic-form, on CD-ROMs.

5. Prior to a CD-ROM being produced to opposing counsel, I reviewed the files on the CD and created an index identifying which files are at least responsive to which of the Defendants' requests. Thereafter, the CD containing the documents, a cover letter including the index and a Notice of Production were delivered to Defendants' counsel.

6. As of this date, Plaintiff has produced over 22,000 pages of documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2008.



Jason Smalley